GA No. 1619 of 2001
(Old No. 387/2000)

Hon'ble B.C. Kandpal, J.

This appeal has been preferred by the State Government against the impugned judgment and order dated 20.09.1999 passed by Judicial Magistrate, Nainital in Criminal Case No. 246 of 1999 whereby the respondent was acquitted from the charges leveled against him.

Brief facts of the case are that on 01.02.1993, Sri Manoj Tripathi lodged a complaint against Bhagwan Singh mentioning therein that due to negligence driving of a bus bearing registration No. UP02A.0949 which was being driven by Sri Bhagwan Singh hit the cycle of his servant – Prem Bahadur on the Bhawali Road and on the basis of the report chargesheet was submitted by S.I. – Rameshwar under Sections 279 and 304A I.P.C. against Bhagwan Singh. The trial court after considering the entire material available before it and after hearing learned counsel for the parties, acquitted the respondents, namely, Prem Singh and Smt. Harnandi @ Kusum vide judgment and order dated 20.09.1999.

Feeling aggrieved by the aforesaid order, the State preferred this appeal before the Allahabad High Court which has been transfer to this Court after creation of separate State, for disposal.

Heard learned A.G.A. on the point of admission and perused the impugned judgment passed by the court below.

Having considered the arguments advanced by learned counsel for the State, I am of the view that the trial court has thoroughly scrutinized the evidence adduced by the prosecution. I share my view with the trial court that the acquittal of the respondents do not require and interference. The trial court has rightly acquitted the accused persons, keeping in view the inconsistency in the evidence of the witnesses, corroboration with the medical evidence as well as in the light of the aforesaid reason; I do not find any merit in this appeal.

Accordingly, the appeal is dismissed in-limine.

(B.C.K., J.)

13.11.2007
ASWAL